IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7491 of 1996

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT AGRICULTURAL UNIVERSITY

Versus

SHIRISHBHAI R PATEL

Appearance:

1. Special Civil Application No. 7491 of 1996

MR DG CHAUHAN for Petitioner No. 1

Mr. SD Vasavada for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 07/05/2004

ORAL JUDGEMENT

Heard learned advocate Mr. Chauhan for the petitioner and Mr. Vasavada learned advocate for the

respondent. In this petition, the petitioner has challenged the award made by the labour Court, Anand in Reference No. 460 of 1992 (Old No. 275 of 1988) dated June 20, 1995 wherein the labour court has directed the respondent University to reinstate the petitioner on his original post with continuity of service but without back wages for the intervening period within one month from the date of publication of the award. Today, this Court has dismissed the Special Civil Application No. 2072 of 1996 which was filed by the workman against the very same award in so far as it was relating to back wages and this Court has dismissed the said petition considering the decision of the apex court in Sanat Kumar Dwivedi versus Dhar Jilla Sahakari Bhoomi Vikas Bank Maryadit and others [(2001) 9 SCC 402]. Therefore, considering the facts of the present case in light of the decision of the apex court in aforesaid case, in this case also, the petitioner reinstated the workman by order dated July 14, 1995 and has, therefore, complied with the award of reinstatement and thereafter, filed this petition in the year 1996. Under these circumstances, subsequent dispute raised by petitioner by challenging the award of reinstatement is clearly not maintainable as held by the Apex Court in State aforesaid decision following the decision in State of Punjab v. Krishna Niwas [1 (1997) 9 SCC 31]. In view of that, the petition subsequently filed by the University is not maintainable and the same is required to be dismissed.

In the result, this petition is dismissed. Rule is discharged. There shall be no order as to costs.

(H.K. Rathod,J.)

Vyas